

Victor Smith
Name

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

2016 Princeton Dr SE #6
Address

18 SEP 18 PM 3:29

CLERK-ALBUQUERQUE

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

Victor Smith, Plaintiff
(Full Name)

CASE NO. 18cv 881
(To be supplied by the Clerk)

v.
Timothy May, Defendant(s)
2400 MARBLE AVE, Alb, NM 87131
ph# 505 272-2311

CIVIL RIGHTS COMPLAINT
PURSUANT TO 42 U.S.C. §1983

A. JURISDICTION

1) Victor Smith, is a citizen of NEW MEXICO, USA
(Plaintiff) (State)
who presently resides at 2016 Princeton Dr S.E. #6
(Mailing address or place of confinement)
Albuquerque, NM 87106

2) Defendant PATRICIA Young is a citizen of
(Name of first defendant)
Albuquerque, NM, and is employed as
(City, State)
UNM P.D. officer. At the time the claim(s)
(Position and title, if any)

alleged in this complaint arose, was this defendant acting under color of state law?

Yes ☐ No ☒ If your answer is "Yes", briefly explain:

Not Sure.

Defendant NASHA TORREZ
Albuquerque, NM

DEATH OF STUDENTS

XE-2 2/78 CIVIL RIGHTS COMPLAINT (42 U.S.C. §1983)
Address University Advise ment and Enrichment Center Room # 200
MSC 06 3600 University of NEW MEXICO Alb, NM 87131

- 3) Defendant _____ is a citizen of _____
(Name of second defendant)
_____, and is employed as _____
(City, State)
_____. At the time the claim(s)
(Position and title, if any)
alleged in this complaint arose, was this defendant acting under color of state.
Yes ☐ No ☐ If your answer is "Yes", briefly explain:

(Use the back of this page to furnish the above information for additional defendants.)

- 4) Jurisdiction is invoked pursuant to 28 U.S.C. §1343(3), 42U.S.C. §1983. (If you wish to assert Jurisdiction under different or additional statutes, you may list them below.)

B. NATURE OF THE CASE

- 1) Briefly state the background of your case.

Attached

C. CAUSE OF ACTION

- 1) I allege that the following of my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: (If necessary, you may attach up to two additional pages (8 1/2" x 11") to explain any allegation or to list additional supporting facts.

A)(1) Count I:

Attached

- (2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

Attached

B)(1) Count II:

Attached

(2) Supporting Facts:

Attached

C)(1) Count III:

(2) Supporting Facts:

Attached

D) PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1) Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment?

Yes ☐ No ☒ If your answer is "YES", describe each lawsuit. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

a) Parties to previous lawsuit.

Plaintiffs: _____

Defendants: _____

N/A

b) Name of court and docket number:

N/A

c) Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

N/A

d) Issues raised: _____

N/A

e) Approximate date of filing lawsuit: _____
f) Approximate date of disposition: _____

- 2) I have previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part C. Yes ☐ No ☐ If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No," briefly explain why administrative relief was not sought.

E. REQUEST FOR RELIEF

- 1) I believe that I am entitled to the following relief:

Signature of Attorney (if any)



Signature of Petitioner

Attorney's full address and telephone number.

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he is the plaintiff in the above action, that he has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. Sec. 1746. 18 U.S.C. Sec. 1621.

Executed at _____ on _____ 20____.
(Location) (Date)

(Signature)

Victor Smith
206 Princeton Dr. SE Apt. 6
Albuquerque, NM
87106

August 29, 2018

To Whom It May Concern,

I was using the computer area at the Health and Science Center on May 31, 2017. I was alone doing job searches and submitting job applications and resumes. The Health and Science Center lets the general public utilize these methods as long as there is availability and there is not a UNM student needing to use the computers. They inappropriately lied and said I (Victor Smith) was bothering females to pick up phone numbers. That is a lie. I only attained one phone number from one female who worked there and that was only when she was not working there and was outside walking her dog. Her name was Michelle P. Green. She told me that she lived in Oklahoma and went to school there. She also told me she was lonely and could not find a nice guy to hang out with and get to know. She also told me that she was on the O.K. Cupid dating site. She asked if I was single and I said yes, Michele Green then voluntarily gave me her business card and wrote her personal cell number on the card. The phone number at that was; (918-851-1876) (See attached copy.) The only other female I briefly chatted with was someone who we both were mutual friends with. Those were the only females I personally engaged with briefly on a formal professional level. There was only "one" time when an employee with the Health Sciences Library and Information Center humbly and non-confrontationally approached me and asked me if I had been engaging and flirting with females. I told him the one and only female I engaged with mutually that gave me her number was Michelle P. Green. I showed the H.S.L.I employee the business card with her personal cell, which she wrote on the back of the

card. Jamie Perea was utterly stunned and shocked. I had shown him solid proof Michelle Green offered and gave me her business card and personal cell on the back of the card. No other H.S.L.I employee approached and inquired and spoke to me about this matter period. It wasn't until May 31, 2017 that UNMPD officer Patricia Young said the management accused me of flirting with girls, I was totally alone at this point. Later on I received a police report.

It never said I was causing harm to anyone or anybody because I did not. But the Dean of Students accused me of harm/physically harming others. The UNMPD officer Patricia Young never indicated that I caused any harm or potential harm at all also there was never one word mentioning any kind of harm whatsoever. None of the alleged females mentioned or accused me of harm! So why accuse me of this? Also, I am entitled by law to see what my accuser said by law. Nasha failed to ever provide me with this information even when I asked her for it when I saw her in person. This needs to be dismissed entirely so I can be exonerated and finish my education.

Sincerely Always,

Victor Smith

Victor Smith

206 Princeton Dr. SE Apt. 6

Albuquerque, NM

87106

**The University of New Mexico
POLICE DEPARTMENT**

REPORT DISTRIBUTION FORM

CAD/Incident No:

17-9955

Report Date:

05/31/17

Internal Distribution

-Select from list or type in name



☒ Dean of Students Office
Original Entry Report Only

☒ Request Barment☐ FYI

Outside Agency Distribution

-Select from list or type in name

-Select from list or type in name



Contact Person
& Address / Fax:

Court Referral

☐ **Misdemeanor Criminal (Metrocourt)**

Submission to Metrocourt requires ALL of the following

☐ Original Entry, Supplemental Reports, & Statements☐ Original Summons, or Non-Traffic Citation

☐ **DWI**

Submissions ALL of the following

☐ Original DWI Report, Supp. Reports, & Statements☐ Criminal Complaint☐ Intox 8000 Log (Copy of pg) and calibration from SLD☐ Intox Readout or Refusal Form☐ Revocation Form☐ Copy of Intox Operator's Certification

☐ **Felony (Dist. Court)**

Submissions ALL of the following

☐ Original DWI Report, Supp. Reports, & Statements☐ Criminal Complaint (arrested) or Warrant☐ DA's Cover Sheet☐ Felony Supp Out Packet

Received in Court By:



Date:



Delivered
By:



*Submit to records for Distribution.

Officer Name:

Patricia Young 1109

Date/Time Field

6/1/17 @ 1235

PROPERTY	PROPERTY STATUS		1-STOLEN 2-STOLEN & RECOVERED 3-RECOVERED		4-RECOVERED (STOLEN OTHER JURIS.) 5-EVIDENCE 6-LOST		7-FOUND 8-COUNTERFEIT/FORGED 9-DAMAGED/DESTROYED/VANDALIZED		10-BURNED 11-SEIZED 12-USED IN CRIME		13-SAFEKEEPING 14-UNKNOWN 15-EMBEZZLED			
	PROPERTY TYPE		02-ALCOHOL 04-BICYCLES 06-CLOTHING/FURS 07-COMPUTER HARDWARE/SOFTWARE 08-CONSUMABLE GOODS 09-CREDIT CARDS 10-DRUGS/NARCOTICS 11-DRUG/NARCOTICS EQUIPMENT		12-FARM EQUIPMENT 13-FIREARMS 14-GAMBLING EQUIPMENT 15-HEAVY CONSTRUCTION/INDUSTRIAL EQUIPMENT 16-HOUSEHOLD GOODS 17-JEWELRY/PRECIOUS METALS 18-LIVESTOCK 19-MERCHANDISE		20-MONEY 21-NEGOTIABLE INSTRUMENTS 22-NON-NEGOTIABLE INSTRUMENTS 23-OFFICE EQUIPMENT 24-PURSES/HANDBAGS/WALLETS 25-RADIOS/TVs/VCRs 26-RECORDING-AUDIO/VISUAL 27-STRUCTURES-SINGLE OCCUPANCY		28-STRUCTURES-OTHER DWELLINGS 29-STRUCTURES-OTHER COMM. BUSINESS 30-STRUCTURES-PUBLIC/COMMUNITY 31-STRUCTURES-STORAGE 32-STRUCTURES-OTHER 33-TOOLS 34-VEHICLE PARTS/ACCESSORIES		40-SKIS/SKI EQUIPMENT 41-OTHER 42-PENDING INVENTORY 43-SPECIAL CATEGORY			
	DRUG TYPE		A-CRACK B-COCAINE C-HASHISH		D-HEROIN E-MARIJUANA F-MORPHINE		G-OPIMUM H-OTHER NARCOTICS I-LSD		J-PCP K-OTHER HALLUCINOGENS L-AMPHIMETHAM.		M-OTHER STIMULANTS N-BARBITURATES O-OTHER DEPRESSANTS		P-OTHER DRUGS Q-UNKNOWN R-OVER 3 TYPES	
	FIELD UNIT OF MEASURE		GM-GRAM KG-KILOGRAM OZ-OUNCE LB-POUND GL-GALLON NP-NO. PLANTS LT-LITER FO-FLUID OUNCE DU-DOSAGE UNITS ML-MILLILITER											
PROPERTY	1-PROPERTY STATUS	PROPERTY TYPE	TYPE OF ITEM		MODEL/BRAND		MODEL		CALIBER		VALUE (EXCEPT DRUGS)			
	SUSPECTED DRUG TYPE	QUANTITY UNIT OF MS	DESCRIPTION (COLOR, SIZE, FEATURES, ETC)		SERIAL/NO.		DATE RECOVERED		NIC. NO.					
	2-PROPERTY STATUS	PROPERTY TYPE	TYPE OF ITEM		MODEL/BRAND		MODEL		CALIBER		VALUE (EXCEPT DRUGS)			
	SUSPECTED DRUG TYPE	QUANTITY UNIT OF MS	DESCRIPTION (COLOR, SIZE, FEATURES, ETC)		SERIAL/NO.		DATE RECOVERED		NIC. NO.					
	3-PROPERTY STATUS	PROPERTY TYPE	TYPE OF ITEM		MODEL/BRAND		MODEL		CALIBER		VALUE (EXCEPT DRUGS)			
	SUSPECTED DRUG TYPE	QUANTITY UNIT OF MS	DESCRIPTION (COLOR, SIZE, FEATURES, ETC)		SERIAL/NO.		DATE RECOVERED		NIC. NO.					
	4-PROPERTY STATUS	PROPERTY TYPE	TYPE OF ITEM		MODEL/BRAND		MODEL		CALIBER		VALUE (EXCEPT DRUGS)			
	SUSPECTED DRUG TYPE	QUANTITY UNIT OF MS	DESCRIPTION (COLOR, SIZE, FEATURES, ETC)		SERIAL/NO.		DATE RECOVERED		NIC. NO.					
	M.O. EVENT CODES: (AGENCY OPTIONAL USE)													
	On 05/31/17 at approximately 1112 hours I was dispatched to 2400 Marble Avenue NE in reference to a male at the library who was bothering females at that location.													
	On 05/31/17 at approximately 1118 hours I met with Library staff Tim Mey at 2400 Marble Ave NE in reference to a man they wanted removed from the Library. Mey stated the male was bothering females on a regular basis at that location, trying to get phone numbers. I made contact with Victor Smith in the library who stated he was not bothering people. He showed me a female's contact information on a sheet of paper and stated she gave it to him. I advised Smith that the staff wanted him to leave that location. Smith is not a student and it has been reported numerous times that he is bothering females on campus. I told Smith that his behavior was not appropriate and that people were on campus to work or to study, and that his behavior was preventing them from enjoying their time on campus. The females who contact us usually want us to stop his behavior but don't feel it is worthy of a police report. They are bothered and "creeped out" by his behavior. I took a report from a female who wanted to document Smith's behavior because it made her so uncomfortable that she wanted to seek a "no contact" directive from the Dean of Students. (see CAD #17-2933). Smith is not a student, but continues to bother both students and staff on campus. The HSSC Library staff would like him barred from the property. Mey provided a statement.													
	CERT./STATUS	"I WILL PROSECUTE/TESTIFY SHOULD THE OFFENDER BE ARRESTED."		YES	NO	"I UNDERSTAND IT IS A CRIMINAL OFFENSE TO FILE A FALSE REPORT TO POLICE"		COMPLAINANT/VICTIM CERTIFICATION SIGNATURE		DATE				
REPORTING OFFICER (PRINT)		RANK		I.D. NO.		DATE		DETECTIVE/FOLLOW-UP/REFERRED TO		I.D. NO.				
ASSISTING OFFICER (PRINT)		RANK		I.D. NO.		DATE		PROCESSED BY		DATE				
APPROVING OFFICER (PRINT)		RANK		I.D. NO.		DATE		EXCEPT CODE		DATE				
AGENCY OPTIONAL USE (DISTRIBUTION, OTHER OFFICERS, ETC.)														
CASES CLEARED BY THIS ARREST														
CASE NO														
CASE NO														
REV 03/04														

OCCURRENCE DATE(S) ON OR BETWEEN		DATE REPORTED		STATE OF NEW MEXICO UNIFORM INCIDENT REPORT				ORI NO. NM 0010200		INCIDENT NO. 17-9955		PAGE 1 OF 2																											
MM/DD/YY 05/31/17		MM/DD/YY 05/31/17		MM/DD/YY 05/31/17		AGENCY/COUNTY UNMPD / Bernalillo				DISTRICT NO. 002		OPTIONAL USE(CASE NO., ETC.)		BURGLARY NO		NO. OF INVEST. EN.																							
TIME 1112		DAY OF WEEK W		TIME 1130		DAY OF WEEK W		ADDRESS/LOCATION OF INCIDENT 2400 Marble Ave				CITY Albuquerque		ZIP 87131		BAND RE. YES		HATEFUL NOT. CODE																					
OFFENSE/INCIDENT Public Nuisance		STATUTE OF ORDINANCE 30-8-1				FEL M		ATTEM YES		INSTR 90Z		LOCAL 22		WEAPON NO		INJURY NO		PROPERTY NO																					
PERSON CODES V-VICTIM A-SUSPECT C-CITED A-ARRESTED G-PARENT/GUARDIAN W-WITNESS H-INTERVIEWED Q-OTHER R-REPORTING PERSON D-DECEASED M-MISSING		TYPE CODES F-FINANCIAL R-RELIGIOUS H-INDIVIDUAL P-POLICE Q-OTHER S-SOCIETY/PUB. B-BUSINESS G-GOVERNMENT U-UNKNOWN				INJURY CODES L-SEVERE LACERATION T-LOSS TEETH S-APPARENT BROKEN BONE M-APPARENT MINOR INJURY U-UNCONSCIOUSNESS				PERSON CODE S		TYPE CODE I		INJURY CODE N		1-NAME (LAST, FIRST, MIDDLE) Smith, Victor		SOCIAL SECURITY NO.		DOB /61		AGE 55		SEX M		RACE WHT		ETHNIC HSP		ARMED WITH NO									
STREET ADDRESS 206 Princeton Dr SE		RES. PHONE ()				HEIGHT 6'02"		WEIGHT 188		HAIR bald		EYES Bro		ETHNIC HSP		ARMED WITH NO		PERSON CODE R		TYPE CODE I		INJURY CODE N		2-NAME (LAST, FIRST, MIDDLE) Mey, Timothy		SOCIAL SECURITY NO.		DOB /83		AGE 34		SEX M		RACE WHT		ETHNIC HSP		ARMED WITH NO	
CITY Albuquerque		STATE NM		ZIP 87106		BUS. PHONE ()		VICTIM OF OFF. NO.		VICT OF SUSP. NO.		VICTIM OF SUSP. NO.		VICTIM OF SUSP. NO.		VICTIM OF SUSP. NO.		OCCUPATION Staff		EMPLOYER/SCHOOL University of New Mexico				EMPLOYER/SCHOOL ADDRESS 1800 Roma Boulevard NE				GANG AFFILIATION											
OCCUPATION Staff		EMPLOYER/SCHOOL University of New Mexico				EMPLOYER/SCHOOL ADDRESS 1800 Roma Boulevard NE				GANG AFFILIATION		MARKS, SCARS, TATTOOS AND/OR CLOTHING DESCRIPTION		ARMED WITH(SEE CODES)		TYPE OF ARREST ON VIEW CITED		PERSON CODE R		TYPE CODE I		INJURY CODE N		3-NAME (LAST, FIRST, MIDDLE) Mey, Timothy		SOCIAL SECURITY NO.		DOB /83		AGE 34		SEX M		RACE WHT		ETHNIC HSP		ARMED WITH NO	
STREET ADDRESS 2400 Marble Avenue NE		RES. PHONE ()				HEIGHT 6'02"		WEIGHT 188		HAIR bald		EYES Bro		ETHNIC HSP		ARMED WITH NO		PERSON CODE R		TYPE CODE I		INJURY CODE N		4-NAME (LAST, FIRST, MIDDLE) Mey, Timothy		SOCIAL SECURITY NO.		DOB /83		AGE 34		SEX M		RACE WHT		ETHNIC HSP		ARMED WITH NO	
CITY Albuquerque		STATE NM		ZIP 87106		BUS. PHONE ()		VICTIM OF OFF. NO.		VICT OF SUSP. NO.		VICTIM OF SUSP. NO.		VICTIM OF SUSP. NO.		VICTIM OF SUSP. NO.		OCCUPATION Staff		EMPLOYER/SCHOOL University of New Mexico				EMPLOYER/SCHOOL ADDRESS 1800 Roma Boulevard NE				GANG AFFILIATION											
OCCUPATION Staff		EMPLOYER/SCHOOL University of New Mexico				EMPLOYER/SCHOOL ADDRESS 1800 Roma Boulevard NE				GANG AFFILIATION		MARKS, SCARS, TATTOOS AND/OR CLOTHING DESCRIPTION		ARMED WITH(SEE CODES)		TYPE OF ARREST ON VIEW CITED		PERSON CODE R		TYPE CODE I		INJURY CODE N		5-NAME (LAST, FIRST, MIDDLE) Mey, Timothy		SOCIAL SECURITY NO.		DOB /83		AGE 34		SEX M		RACE WHT		ETHNIC HSP		ARMED WITH NO	
STREET ADDRESS 2400 Marble Avenue NE		RES. PHONE ()				HEIGHT 6'02"		WEIGHT 188		HAIR bald		EYES Bro		ETHNIC HSP		ARMED WITH NO		PERSON CODE R		TYPE CODE I		INJURY CODE N		6-NAME (LAST, FIRST, MIDDLE) Mey, Timothy		SOCIAL SECURITY NO.		DOB /83		AGE 34		SEX M		RACE WHT		ETHNIC HSP		ARMED WITH NO	
CITY Albuquerque		STATE NM		ZIP 87106		BUS. PHONE ()		VICTIM OF OFF. NO.		VICT OF SUSP. NO.		VICTIM OF SUSP. NO.		VICTIM OF SUSP. NO.		VICTIM OF SUSP. NO.		OCCUPATION Staff		EMPLOYER/SCHOOL University of New Mexico				EMPLOYER/SCHOOL ADDRESS 1800 Roma Boulevard NE				GANG AFFILIATION											
OCCUPATION Staff		EMPLOYER/SCHOOL University of New Mexico				EMPLOYER/SCHOOL ADDRESS 1800 Roma Boulevard NE				GANG AFFILIATION		MARKS, SCARS, TATTOOS AND/OR CLOTHING DESCRIPTION		ARMED WITH(SEE CODES)		TYPE OF ARREST ON VIEW CITED		PERSON CODE R		TYPE CODE I		INJURY CODE N		7-NAME (LAST, FIRST, MIDDLE) Mey, Timothy		SOCIAL SECURITY NO.		DOB /83		AGE 34		SEX M		RACE WHT		ETHNIC HSP		ARMED WITH NO	
STREET ADDRESS 2400 Marble Avenue NE		RES. PHONE ()				HEIGHT 6'02"		WEIGHT 188		HAIR bald		EYES Bro		ETHNIC HSP		ARMED WITH NO		PERSON CODE R		TYPE CODE I		INJURY CODE N		8-NAME (LAST, FIRST, MIDDLE) Mey, Timothy		SOCIAL SECURITY NO.		DOB /83		AGE 34		SEX M		RACE WHT		ETHNIC HSP		ARMED WITH NO	
CITY Albuquerque		STATE NM		ZIP 87106		BUS. PHONE ()		VICTIM OF OFF. NO.		VICT OF SUSP. NO.		VICTIM OF SUSP. NO.		VICTIM OF SUSP. NO.		VICTIM OF SUSP. NO.		OCCUPATION Staff		EMPLOYER/SCHOOL University of New Mexico				EMPLOYER/SCHOOL ADDRESS 1800 Roma Boulevard NE				GANG AFFILIATION											
OCCUPATION Staff		EMPLOYER/SCHOOL University of New Mexico				EMPLOYER/SCHOOL ADDRESS 1800 Roma Boulevard NE				GANG AFFILIATION		MARKS, SCARS, TATTOOS AND/OR CLOTHING DESCRIPTION		ARMED WITH(SEE CODES)		TYPE OF ARREST ON VIEW CITED		PERSON CODE R		TYPE CODE I		INJURY CODE N		9-NAME (LAST, FIRST, MIDDLE) Mey, Timothy		SOCIAL SECURITY NO.		DOB /83		AGE 34		SEX M		RACE WHT		ETHNIC HSP		ARMED WITH NO	